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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,938

12/10/2003

Kazuya Fukushima

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7590

01/03/2007

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EXAMINER

LEE, JOHN J

ART UNIT

PAPER NUMBER

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,938	<b>Applicant(s)</b> FUKUSHIMA, KAZUYA	
	<b>Examiner</b> JOHN J. LEE	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/03,03/05</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1 – 18** are rejected under 35 U.S.C. 102(b) as being anticipated by Beamish et al. (US 6,256,476).

Regarding **claim 1**. Beamish teaches that a radio communication unit (107 in Fig. 1) configured to carry out radio communications with external apparatus (Fig. 1) (Fig. 1 and column 3, lines 66 – column 4, lines 20, where teaches a mobile unit communicates with a base station by wireless connection). Beamish teaches that a monitoring unit (signal strength detector) configured to monitor quality of radio communications carried out by the radio communication unit (Fig. 5, 6 and column 1, lines 61 – column 2, lines 65, where teaches the signal strength detector of base station detects the signal quality of the signals transmitted by mobile unit). Beamish teaches that a control unit (controller in base station) configured to control dispatch power for radio communications carried out by the radio communication unit (107 in Fig. 1) on the basis of results of the monitoring executed by the monitoring unit (signal strength detector) (Fig. 5, 6 and column 1, lines 61 – column 2, lines 65, where teaches the controller in base station controls and determines dispatch power (commanding adjust power such that if the power level indicates below a predetermined threshold, the base station determines increase the

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transmission power level for the mobile unit) for radio communications transmitted by mobile unit on the basis of the detecting signal quality result).

Regarding **claim 2**. Beamish teaches that the monitoring unit monitors the communication quality on the basis of throughput (Fig. 5, 6 and column 1, lines 61 – column 2, lines 65, where teaches the controller in base station controls and determines dispatch power (commanding adjust power such that if the power level indicates below a predetermined threshold, the base station determines increase the transmission power level for the mobile unit) for radio communications transmitted by mobile unit on the basis of the detecting signal quality result).

Regarding **claim 3**. Beamish teaches that the monitoring unit calculates the throughput using a bit error rate (BER) (column 6, lines 9 – 58, Fig. 4, and column 7, lines 56 – column 8, lines 18, where teaches the quality of signals are determined preset threshold from a variety of metrics including among other the bit error rate, the received signal indicator, and the signal quality).

Regarding **claim 4**. Beamish teaches that the monitoring unit monitors the communication quality on the basis of reception sensitivity (variety reception) (column 7, lines 56 – column 8, lines 65).

Regarding **claim 5**. Beamish teaches that the monitoring unit calculates the reception sensitivity using a signal-to-noise ratio (SNR) (column 7, lines 56 – column 8, lines 65, where teaches the signal quality indicator is an estimate and calculation of the signal to noise ratio of the received signal).

Regarding **claim 6**. Beamish teaches that the monitoring unit reduces the dispatch power, if the communication quality is high compared to a predetermined threshold (Fig. 5, 6 and column 6, lines 9 – column 7, lines 37, where teaches the controller in base station controls and determines dispatch power (commanding adjust power such that if the power level indicates high a predetermined threshold, the base station determines reduce the transmission power level for the mobile unit) for radio communications transmitted by mobile unit on the based on the detecting signal quality result).

Regarding **claim 7**. Beamish teaches all the limitation as discussed in claim 1. Furthermore, Beamish further teaches that a control unit configured to transmit control data instructing the external apparatus to change dispatch power for the radio communication on the basis of results of the monitoring executed by the monitoring unit (Fig. 5, 6 and column 1, lines 61 – column 2, lines 65, where teaches the controller in base station controls and determines dispatch power (transmitting control commands to adjust power such that if the power level indicates below a predetermined threshold, the base station determines increase the transmission power level for the mobile unit) for radio communications transmitted by mobile unit on the based on the detecting signal quality result).

Regarding **claim 8**. Beamish teaches all the limitation as discussed in claim 1. Furthermore, Beamish further teaches that a determining unit configured to determine whether the external apparatus is operated using the commercial power source (battery) or the secondary battery (column 1, lines 14 – column 2, lines 40 and Fig. 1, where teaches a determining unit determines operating using the large amount of the battery

power). Beamish further teaches that a monitoring unit configured to monitor quality of radio communications carried out by the radio communication unit, if the determining unit determines that the external apparatus is operated using the secondary battery (Fig. 5, 6 and column 1, lines 61 – column 2, lines 65, where teaches the signal strength detector of base station detects the signal quality of the signals transmitted by mobile unit, as the determining the external apparatus is operated using the battery power (the portable unit has a battery difference with base unit)).

Regarding **claim 9**. Beamish teaches all the limitation as discussed in claims 6 and 8.

Regarding **claim 10**. Beamish teaches that the control unit increases the dispatch power if the communication quality is low compared to a predetermined threshold (Fig. 5, 6 and column 1, lines 61 – column 2, lines 65, where teaches the controller in base station controls and determines dispatch power (commanding adjust power such that if the power level indicates below a predetermined threshold, the base station determines increase the transmission power level for the mobile unit) for radio communications transmitted by mobile unit on the based on the detecting signal quality result).

Regarding **claim 11**. Beamish teaches all the limitation as discussed in claims 1 and 8.

Regarding **claim 12**. Beamish teaches all the limitation as discussed in claims 1 and 2.

Regarding **claim 13**. Beamish teaches all the limitation as discussed in claims 1 and 3.

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Regarding **claim 14**. Beamish teaches all the limitation as discussed in claims 1 and 4.

Regarding **claim 15**. Beamish teaches all the limitation as discussed in claims 1 and 5.

Regarding **claim 16**. Beamish teaches all the limitation as discussed in claims 1 and 8.

Regarding **claim 17**. Beamish teaches all the limitation as discussed in claims 1 and 8.

Regarding **claim 18**. Beamish teaches all the limitation as discussed in claims 1 and 8.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Angelo et al. (US 7,149,556) discloses Optimized Battery Life and Authentication in Contactless Technology.

Kayama et al. (US 6,771,978) discloses Radio Communication Apparatus and Method for Controlling Transmission Power.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

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or faxed (571) 273-8300, (for formal communications intended for entry)

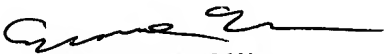
Or: (703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters,  
Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**.  
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00  
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor,  
**Edward Urban**, can be reached on **(571) 272-7899**. Any inquiry of a general nature or  
relating to the status of this application should be directed to the Group receptionist  
whose telephone number is (703) 305-4700.

J.L  
December 19, 2006

John J Lee

  
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